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FISCAL IMPACT REPORT

ORIGINAL DATE 2/1/07

SPONSOR Boitano LAST UPDATED _____ HB _____

SHORT TITLE Sale of Alcohol to Interlock Licensees SB 465

ANALYST C.Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 465 amends Section 60-7A-12 NMSA 1978 to provide that it is a violation of the Liquor Control Act for a dispenser, canopy licensee, restaurant licensee, governmental licensee or its lessee or club to sell, serve or dispense alcoholic beverages to a person who is issued an ignition interlock license pursuant to the Ignition Interlock Licensing Act.

The effective date of the Act is July 1, 2007.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

This bill may require additional funding for the Public Defender Department, as it may increase the number of misdemeanor cases for the Public Defender.

This bill may require additional funding for the Regulation and Licensing Department, as it may increase the number of misdemeanor cases for the Alcohol and Gaming Division investigators.

SIGNIFICANT ISSUES

Section 60-7A-25 NMSA 1978 provides that:

A person who violates any provision of the Liquor Control Act [60-3A-1 NMSA 1978] or any rule or regulation promulgated by the department that is not declared by the Liquor Control Act to be a felony is guilty of a misdemeanor and, upon conviction thereof, the person shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

SB 465's offense is not declared to be a felony and is therefore a misdemeanor offense.

SB 465 would appear to require a licensee or dispenser to check the driver's license of each patron so as to not inadvertently serve an ignition interlock licensee.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

CS/nt